

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 27th April, 1962:—

BILL No. 22 of 1962

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure Short title. (Amendment) Act, 1962.

5 V of 1898. 2. In sub-section (2) of section 342 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), the words "or by giving false answers to them" shall be omitted. Amendment of section 342.

10 3. In sub-section (1) of section 562 of the principal Act, after the words "antecedents of the offender", the words "and the offender making a completely true statement without concealing anything" shall be inserted. Amendment of section 562.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to eliminate perjury* from law courts and to encourage amongst the litigant public the habit of speaking the truth. A statutory guarantee to the accused for making a false statement as provided for in section 342 of the Code of Criminal Procedure, 1898 is repugnant to modern notions of jurisprudence and should be deleted. Similarly amongst the extenuating circumstances which the court may take into consideration at the time of applying provisions of section 562 of the Code of Criminal Procedure, 1898, it may also be considered if the offender has made a clean breast of things concealing nothing.

The Bill is intended to achieve the object by amending sections 342 and 562 of the Code of Criminal Procedure, 1898 in the manner indicated above.

NEW DELHI;
The 4th April, 1962.

M. L. DWIVEDI.

BILL No. 19 OF 1962

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Factories (Amendment) Act, 1962.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

63 of 1948.

2. After section 9 of the Factories Act, 1948, the following section shall be inserted, namely:—

Insertion of
new section
9A.

10 "9A. An Inspector under this Act shall have power to enquire into the cause of any accident and to take suitable remedial and penal measures".

Enquiry by
Inspector.

STATEMENT OF OBJECTS AND REASONS

From the experience of the working of the Factories Act, 1948 it has been felt that an Inspector under the Act should have the power to enquire into the causes of an accident in a factory and to take suitable remedial and penal measures in respect thereof. The provisions of the Bill are intended to achieve that object.

NEW DELHI;
The 4th April, 1962.

SATIS CHANDRA SAMANTA.

BILL No. 30 OF 1962

A Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith.

Enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Legislative Councils (Composition) Act, 1962. Short title, extent and commencement.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) 'block samity' means a body of persons, by whatever name called, constituted by or under any State Act for undertaking developmental activities and recognised as a block samity by rules that may be made in this behalf, but shall not include any district board, zila parishad or panchayat;

15 (b) 'prescribed' means prescribed by rules made under this Act;

(c) 'tiller of the soil' means a person who cultivates land by his own labour or by the labour of any members of his family or by servants or by hired labour on wages.

Composition
of Legisla-
tive Coun-
cils.

3. (1) The composition of the Legislative Council of a State shall be as provided in sub-section (2).

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-twelfth shall be elected by 5
electorates consisting of members of municipalities in the State;

(b) as nearly as may be, one-sixth shall be elected by elec-
torates consisting of members of district boards, zila parishads,
block samities and such other local authorities within the State,
not being a panchayat, as may be prescribed; 10

(c) as nearly as may be, one-twelfth shall be elected by
members of an electoral college chosen by members of panchayats
within the State and the number of members of the electoral
college and the manner in which they may be chosen shall be
such as may be prescribed; 15

(d) as nearly as may be, one-sixth shall be elected by
members of an electoral college chosen by members of co-opera-
tive societies within the State and the number of members of
the electoral college and the manner in which they may be
chosen shall be such as may be prescribed; 20

(e) as nearly as may be, one-twelfth shall be elected by
electorates consisting of persons residing in the State who have
been for at least three years graduates of any University in the
territory of India or have been for at least three years in posses-
sion of qualifications prescribed by or under any law made by 25
Parliament as equivalent to that of a graduate of any such
University;

(f) as nearly as may be, one-twelfth shall be elected by
electorates consisting of persons who have been for at least five
years engaged in teaching in such educational institutions within 30
the State, not lower in standard than that of a secondary school,
as may be prescribed;

(g) as nearly as may be, one-twelfth shall be elected by
members of an electoral college chosen by persons who have
been for at least five years engaged in teaching in such educa- 35
tional institutions within the State, not higher in standard than
that of a middle school, as may be specified by rules made in
this behalf, and the number of members of the electoral college
and the manner in which they may be chosen shall be such as
may be prescribed; 40

(h) as nearly as may be, one-twelfth shall be elected by members of such organised bodies within the State, relating to commerce, industry, trade and business, as may be prescribed;

5 (i) as nearly as may be, one-twelfth shall be elected by persons of such organised bodies of the tillers of the soil within the State as may be prescribed;

(j) the remaining members shall be nominated by the Governor in accordance with the provisions of Section 4.

10 (3) The members to be elected under clauses (a) to (i) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed and the elections under the said clauses shall be held in accordance with the system of proportional representation by means of the single transferable vote.

15 4. The members to be nominated by the Governor under clause (j) of sub-section (2) of Section 3 shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely, literature, science, art, co-operative movement and social service.

1950. 20 5. The provisions of this Act and of the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Representation of the People Act, 1950, or the rules made under that Act. Act to over-ride other laws.

25 6. (1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

30 (a) the block samities and other local authorities which may have representation in the Legislative Council of a State;

(b) the number of persons which an electoral college formed under this Act may consist of and the manner of choosing them;

(c) the institutions and organised bodies which may have representation in the Legislative Council of a State;

35 (d) the territorial constituencies into which a State may be divided for the purpose of election to the Legislative Council of the State;

(e) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule. 5 10

STATEMENT OF OBJECTS AND REASONS

Until Parliament by law otherwise provides the Composition of the Legislative Council of a State is based on the provisions contained in clause (3) of Article 171.

Since the passing of the Constitution organisational patterns of local authorities have changed to a great extent. In the process of democratic decentralisation, some organised bodies have come into being. Co-operative societies are now destined to play a very important part in our body politic. It is expected that the whole country will be covered by such co-operative societies in different spheres of our community life. Also teachers working in educational institutions lower in standard than that of a Secondary School, have been asking for representation in the Council. It is desirable that organised interests should also be given representation so that the Council shall be representative of all interests.

The object of this Bill is to provide for representation to as many organised interests as are functioning in the State. By giving such representation to these interests the Council would not only become more representative but the functioning of such organisations would be encouraged and would get impetus and their working will become beneficial to the community at large. The local Council will be provided with functional representation which appears to be the intention of the Constitution makers. It is not necessary that Members of Legislative Assembly should have the right to elect one third of the total strength of the Council. This right has been distributed to organised bodies of industries, commerce, trade and business. Agricultural organisations have also been provided for.

NEW DELHI;
The 4th April, 1962.

SHREE NARAYAN DAS.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill confers on the Central Government power to make rules, in consultation with the Election Commission for determining block samities and other local authorities, the number of persons which an electoral college formed under the Act may consist of, the institutions and organised bodies which may have representation in the Legislative Council of a State, and territorial constituencies into which a State may be divided for purposes of election to the Legislative Council and similar other matters concerning such election.

The aforesaid matters on which rules can be made are generally matters of detail. The delegation of Legislative power is, therefore, normal in character.

BILL NO. 14 OF 1962

A Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953.

27 of 1953.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Civil Aviation (Licensing) Act, 1962. Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India including the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions in this Act.

10 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Aerodrome Licence" means a licence granted in respect of an aerodrome;

(b) "Air Operators' Certificate" has the meaning assigned by paragraph (a) of sub-section (2) of section 3;

15 (c) "Air Transport Service" means the carriage of passengers or of mails or other cargo by air for reward;

(d) "The Board" means the Air Transport Licensing Board established in pursuance of sub-section (1) of section 3 of this Act;

(e) "The Central Government" means the Government of India;

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(f) "Flight" means a journey by air beginning when aircraft takes off and ending when the aircraft next alights thereafter;

(g) "The Minister" means the Minister of Transport and Communications;

(h) "Operator", in relation to an aircraft, means a person for the time being having the business management of that aircraft, and cognate expressions shall be construed accordingly;

(i) "Prescribed" means prescribed by the Central Government by regulations under this Act;

(j) "Reward", in relation to any aircraft, includes any form of consideration received or to be received wholly or partly in respect of that flight, irrespective of the person by or to whom the consideration has been or is to be given;

(k) "Tariff" in relation to any air transport service means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend.

Establishment of licensing authority and restriction of unlicensed flying.

3. (1) There shall be established in accordance with the provisions of the Schedule an Air Transport Licensing Board (in this Act referred to as the Board).

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(2) No aircraft shall be used on any flight for reward or in connection with any trade or business—

(a) unless the operator of the aircraft is the holder of an 'Air Operator's Certificate' being a certificate of his competence to secure that aircraft operated by him on flights are operated safely; or

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(b) subject to the provisions of sub-section (3) and otherwise than in accordance with the terms of an 'Air Service Licence' granted to the operator of the aircraft by the Board under section (4) being a licence authorising the holder thereof to operate aircraft on flights:

Provided that the provisions of this sub-section shall not apply to any flight made—

(a) solely for the purpose of carrying passengers on a flight beginning and ending at the same place; or

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(b) solely for one or more of the following purposes, that is to say—

(i) the provision of ambulance or rescue facilities by air;

5 (ii) the carriage of not more than seven persons (including the crew of the aircraft) together with the baggage, if any, in a case where the aircraft is not equipped to carry more than that number of persons;

10 (iii) the carriage of any one or more of the following, that is to say the operator of the aircraft, any *bona fide* servant of his and any baggage or other property of the operator or any such servant;

(iv) the training or testing of persons in the performance of duties in the aircraft;

15 (v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft;

(vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry or public health;

20 (vii) the taking of photographs from the air; or

(c) solely for the purpose of carrying cargo consigned by one person in the exercise of an exclusive right to use the capacity of the aircraft on that flight not being a person who, except for the purpose of delivering the whole of that cargo to one or more purchasers thereof from the consigner, has contracted with other persons to carry that cargo or to cause it to be carried; or

25 (d) solely for the carriage of passengers with or without their baggage in a case where none of the passengers is carried on such terms as may be prescribed as being carried at a separate fare;

30 and the Central Government may, by notification in the Official Gazette, exempt from the requirements of clause (b) any other particular flight or series of flights.

(3) This section shall apply to—

30 (a) any flight in any part of the world by any aircraft registered in India; and

(b) any flight beginning or ending in India by any aircraft registered in such other country or territory, if any, as may be prescribed.

Air Service
Licences.

4. (1) Any application to the Board for the grant of an air service licence shall—

(a) contain particulars of any air transport service proposed to be provided under the licence, including the places between which, and (where appropriate) the frequency with which, the service is to be provided; 5

(b) specify the nature of any other purpose for which the applicant desires that aircraft operated by him may be used under the licence for reward or in connection with a trade or business; 10

and, subject to the provisions of this section and of any relevant regulations under section 7, the Board may, at their discretion, after consultation with such persons, if any, as may be prescribed, either reject the application or grant the applicant an air service licence for all or any of the following purposes:— 15

(i) the provision of any air transport service proposed in the application which may be so specified,

(ii) any other purpose so proposed which may be so specified,

subject in either case to such conditions, if any, of the prescribed descriptions as may be so specified. 20

(2) In exercise of their functions under this section the Board shall consider in particular:—

(a) whether they are satisfied that having regard in particular to his experience and financial resources and, subject to sub-section (4), to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft operated by him, the applicant is competent and a fit and proper person, to operate aircraft for the purposes for which he seeks an air service licence; 25 30

(b) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant;

(c) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants; 35

(d) the existing or potential need or demand for any air transport service proposed;

(e) in the case of any air transport service proposed the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service;

5 (f) the extent to which any transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from any air transport service licence already granted;

10 (g) any capital or other expenditure reasonably incurred or any financial commitment or commercial agreement reasonably entered into in connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service licence already granted;

15 (h) any objections or representations made in accordance with any relevant regulations under section 7.

(3) The Central Government and the Board shall, from time to time, consider together the relations with other countries or territories affecting the exercise of the Board's functions; and if in the case of any application for an air service licence the Central Government so direct, in writing, on the grounds that any air transport service proposed in the application would in their opinion involve the negotiations with the Government of some other country or territory of right which it would be inexpedient for the time being to seek the Board shall forthwith reject that application so far as it relates to that service.

(4) For the purpose of clause (a) of sub-section (2) the Board shall not consider the matters in respect of which an air operator's certificate is required, that is to say, the competence of the applicant to secure that aircraft operated by him will be operated safely.

(5) Every air service licence authorising air transport service shall include a provision with respect to the tariff to be charged in respect of that service being—

35 (a) in the case of a service between terminal points one of which is in India and the other of which is in India, a provision setting out that tariff;

(b) in any other case, either provision setting out that tariff or a provision specifying the manner in which the tariff is to be determined;

40 Provided that the licences shall be of no effect until the said provision has been confirmed by the Central Government either without modification or with such modifications as it may think fit after

consultation with such holders of air service licences and other persons as it may consider appropriate:

Provided further that in such cases or classes of cases as may be prescribed, this sub-section shall have effect subject to such exceptions or modifications as may be prescribed in relation to the case or class of cases in question. 5

(6) The Central Government may, by notification in the Official Gazette, authorise the grant of an air service licence to any person specified in the order being a person who provided air transport services before the date of coming into force of sub-section (2) 10 of section 3 in respect of any air transport so specified in relation to that service and without prejudice to their powers under section 5 the Board shall grant that licence forthwith without any application being made therefor:

Provided that the Central Government shall not make any order 15 under this sub-section after the expiration of the period of three months beginning with the said date.

(7) Except with the consent of the Central Government the Board shall not grant an air service licence to any person who is not either:— 20

(a) a citizen of India or Nepal or such treaty areas giving equal rights of Indian citizenship; or

(b) a body incorporated in India or Nepal or Sikkim or Bhutan, being a body which in the opinion of the Board is substantially controlled by persons each of whom is either a 25 citizen of India or a citizen of the said state or an Indian protected person.

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which it was granted the holder thereof applies to the Board under 30 section 5, unless the application is withdrawn, the first mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application or, if the application is refused or if any new licence granted differs in its terms from the first mentioned licence, until:— 35

(a) the expiration of the period prescribed under section 7 for appealing against the Board's decision; and

(b) if an appeal is duly made within that period the determination or abandonment of the appeal; and

(c) in the case of a successful appeal against a rejection of the application, the date of the coming into force of the new licence.

5 (1) Subject to any relevant regulations under section 7, an application for the revocation, suspension or variation of an air service licence may be made to the Board at any time by any of the persons prescribed in pursuance of clause (b) of sub-section (1) of that section. Revocation, suspension and variation of licences.

(2) If in the case of any person who is the holder of an air service licence the Board are at any time no longer satisfied as mentioned in clause (a) of sub-section (2) of section 4, they shall as may appear to them appropriate in the circumstances, revoke, suspend or vary that licence, whether or not any application or representation has been made to the Board for the purpose.

15 (3) Without prejudice to the provisions of sub-section (2), if at any time the Board are satisfied, whether or not any application or representation has been made to them for the purpose, that it is right and proper so to do, they may revoke, suspend or vary any air service licence.

20 (4) Sub-sections (2) to (4) of section 4 shall have effect with the necessary modifications in relation to the Board's function under the sub-sections (2) and (3) as they have effect in relation to their functions under section 4.

25 (5) If any air service licence is revoked, suspended or varied by the Board otherwise than on the application of the holder of the licence, the revocation, suspension or variation shall not take effect until the expiration of the period prescribed under section 7 for the making of an appeal against the Board's decision nor, if an appeal is duly made during that period, until the determination or abandonment of the appeal.

35 6. (1) It shall be the duty of the Board to consider any representation from any person relating to facilities in connection with air transport services by means of aircraft registered in India, or with respect to the traffic or other charges in respect of any such service or facilities: Additional functions of Board.

Provided that the Board shall not be required by this sub-section to consider any representation if in their opinion—

(a) the representation is frivolous or vexatious; or

40 (b) the matters to which the representation relates have already been sufficiently considered by the Board; or

(c) the matters to which the representation relates are for the time being regulated by an international agreement to which the Indian Government is a party.

(2) When the Board have considered any such representation as aforesaid, they shall report to the Central Government their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient: 5

Provided that this sub-section shall not apply to any representation made in connection with an application for the grant of an air service licence or for the purpose of the Board's functions under 10 section 5.

Regulations.

7. (1) Without prejudice to any other power to make regulations conferred by this Act, the Central Government shall by regulations make provision--

(a) for requiring, except in such circumstances, if any, as 15 may be specified in the regulations, publication of notice of the making of any application for the grant, revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application;

(b) as to the persons entitled to be heard by the Board at 20 any meeting to consider the grant, revocation, suspension, or variation of any such licence;

(c) for conferring a right to appeal to the Central Government from any decision of the Board with respect to any air service licence or any application for such a licence upon the 25 holder of or applicant for the licence and upon such other persons, if any, as may be specified in the regulations and generally as to such appeals, including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the 30 parties in respect of costs or expenses incurred in connection therewith;

(d) for requiring the payment to the Board in connection with air service licences or applications relating thereto of such fees determined in such manner as the regulations may provide. 35

(2) Without prejudice to the provisions of sub-clause (1), Central Government may by regulations make provision--

(a) as to the form and manner in which any application, objection or representation shall be made to the Board;

(b) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto;

5 (c) as to the liability of any of the persons heard by virtue of clause (b) of sub-section (1) at any meeting of the Board in respect of costs or expenses incurred in connection with the hearing;

10 (d) with respect to the provision by holders of air service licences or air operator's certificate of statistical or other information with respect to their operations to which the licence or certificate relates;

(e) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted;

15 (f) with respect to surrender or cancellation or variation of air service licences;

(g) generally as to the procedure of the Board;

20 (h) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to its functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Central Government of travelling or other expenses reasonably incurred by any person as a member of any such committees.

25 (3) Any power to make regulations conferred by this Act shall include power to make different provision for different circumstances and to make such incidental or supplementary provision as appear to the Central Government necessary or expedient for giving effect to the purposes of this Act.

30 (4) Any power to make regulations conferred on the Central Government by this Act shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of Parliament.

35 8. (1) If an aircraft is used on any flight in contravention of sub-section (2) of section 3, the operator of the aircraft and if any other person, whether by negotiating a contract or otherwise made available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would

Enforcement
of licensing
provisions.

be in contravention of provisions of sub-section (2) that other person also shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding three months, or to both.

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(b) on conviction to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both.

(2) For the purpose of securing compliance with the requirements of section 3, the Central Government or anyone acting under its authority may require any person who, in India whether by providing an aircraft or negotiating a contract or otherwise, makes available or offers, facilities for travel or the consignment of goods upon any journey by air, and any servant or agent of any such person, and any person who is the holder of an aeroplane licence, to provide the Central Government with all such information or documents in his possession or control relating to the journey or proposed journey as may be specified.

Any person, who wilfully fails to comply with any requirements under this sub-section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding two thousand rupees.

(3) If the holder of any air service licence or air operator's certificate fails without reasonable cause to comply with any requirement of any regulation with respect to the provision of information made by virtue of clause (d) of sub-section (2) of section 7, he shall in respect of each such failure be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand rupees.

(4) If any person, in furnishing any information under this Act, furnishes any information which to his knowledge is false in any material particular or recklessly furnishes any information which is false in any material particular, he shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding one month or to both;

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(b) on conviction to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding two years, or to both.

(5) If any person fails without reasonable cause to comply with any requirement duly made of him under this Act to surrender an

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air service licence for cancellation or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five hundred rupees.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this sub-section, the expression 'director' in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Any offence under this section shall, for the purpose of conferring jurisdiction, be deemed to have been committed at any place where the offender may for the time being be.

20 9. (1) The Central Government shall provide the Board with such accommodation and equipment as appears to it to be necessary or expedient for the exercise of their functions and shall also provide from among its officers and servants such number of persons to act as officer or servants of the Board as he may from time to time think 5 fit, and any expenditure incurred by the Board with the approval of the Central Government shall be defrayed by the Central Government.

Expenses of
and Reports
to Board.

(2) The Board shall furnish to the Central Government such accounts and other information relating to the discharge of its functions as the Central Government may require and after the end of the year make a report to the Central Government as to the exercise and performance of their functions under this Act in that year, which shall cover any particular matters on which the Central Government has requested them to report and the Central Government shall lay 35 a copy of each such report before each House of Parliament.

10. The following provisions of the Air Corporations Act, 1953 are hereby repealed, that is to say:—

(a) Sections 18 and 19 and such sections which relate to the reservation of certain air services to the Air India International or the Indian Air Lines Corporation and their Associates.

Repeal of
certain provisions of the
Air Corporations Act,
1953.

(b) Sections 30 to 35.

Powers to
extend provisions
of
Act.

11. (1) The Central Government may by order direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the order,—

(a) to any of the territories protected or administered areas of the Government of India; and 5

(b) to any such area or territory as may be deemed fit or expedient by the Government of India.

(2) An order of the Central Government by virtue of clause (a) of sub-section (1) may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section. 10

(3) Any order of Central Government made under this section may be varied or revoked by a subsequent order so made.

SCHEDULE

15

THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Central Government who shall also appoint two of those members to be Chairman and Deputy Chairman respectively of the Board. 20

2. Subject to the provisions of this Schedule, the Chairman, the Deputy Chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing them.

3. The Central Government—

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(a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowance as the Central Government may determine; and

(b) in the case of any member of the Board with respect to whom the Central Government may with the said approval determine, shall make such provisions for the payment of a pension to or in respect of that member as the Central Government may so determine; 30

and the Central Government shall as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board, and if any subsequent determination made by it under this paragraph involves any departure from the term of that statement or if a determination so 35

made provides for the payment of a pension to or in respect of any member of the Board, the Central Government shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

8 4. If the Central Government is satisfied that the Chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, the Central Government may appoint some other member of the Board to act for the time being in the place of the Chairman or Deputy Chairman, as the case may
10 be.

5. If the Central Government is satisfied that a member of the Board---

(a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding
15 six months; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) has by reason of illness or any other cause become un-
; able or unfit to act as a member of the Board,

20 the Central Government may, by giving notice in such manner as it thinks fit, declare that person's office as a member of the Board to have become vacant.

6. No person who for the time being has any interest, whether as a shareholder or otherwise in the business of an operator of aircraft
25 or of the holder of an aerodrome licence, shall act as a member of the Board unless he has declared his interest to the Board and to the Central Government and if the Central Government is satisfied that by reason of that interest or of any failure so to declare such an interest it is right and proper so to do, the Central Government
30 may by giving notice in such manner as it thinks fit declare that person's office as a member of the Board to have become vacant.

7. The Board may act notwithstanding a vacancy in the Membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by
35 reason of any person irregularly acting as a member thereof.

STATEMENT OF OBJECTS AND REASONS

The Air Corporations Act, 1953 (No. 27 of 1953) was passed closely following the Civil Aviation Act, 1949, as passed by the Parliament in U.K.

As a result the Air India International and the Indian Air Lines Corporation were formed absorbing certain air companies which were then operating in the country.

Certain non-scheduled air operators were however left out. Provision was made in the existing Act for scheduled operators who were nationalised to be granted non-scheduled permits to operate as non-scheduled operators, if they desired.

All flying clubs also have non-scheduled permits to operate light aircraft commercially for hire and reward.

In February, 1960, the Parliament in U.K. passed the Civil Aviation (Licensing) Bill to amend certain portions of their Act, and for the provision of both the Acts to be cited together as the Civil Aviation Acts, 1949 and 1960. Their reasons were briefly as follows:—

1. Give independent operators a field of operations.
2. Create a bigger Aviation Industry in these unsettled times and air age.
3. To provide home market for aircraft and parts produced by them.
4. Introduce a measure of healthy competition between the Corporations and the independent operators to improve air services and benefit the public as befitting a welfare State.
5. Create more avenues of employment for technical personnel and aircrews.
6. Create a second line of Air Defence by having ready at hand a well trained group of technicians and pilots and aircraft, to form a reserve transport command immediately for any emergency.

In India, identical conditions have developed. Hence this Bill.

NEW DELHI:
The 5th April, 1962.

J. B. S. BIST.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 9 requires the Central Government to provide the Board with accommodation and staff. Any expenditure incurred by the Board with the approval of the Central Government, is to be defrayed by the latter.

THE SCHEDULE, which contains provisions with respect to the Board in paragraph 3 empowers the Central Government to pay to members of the Board such remuneration, allowances and pension as it may determine and to lay a statement in this regard before each House of Parliament.

It is expected that the fees payable in respect of licences will cover the cost of administration of the Act. No additional expenditure will thus be required to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 7 requires the Central Government to make regulations providing for the advertising of applications for licences, the making of objections and representations, the right of appeal to the Central Government against the decisions of the Board and the payment of fees for licences.

Sub-clause (2) of clause 7 empowers the Central Government to make regulations regarding the procedure of the Board and other related matters.

The delegation is of a normal character.

BILL NO. 31 OF 1962

A Bill further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Post Office (Amendment) Act, 1962. Short title
and com-
mencement.

5 (2) It shall come into force at once.

2. In section 68 of the Indian Post Office Act, 1898 (hereinafter referred to as the principal Act) for the words "or when required by an officer of the Post Office, neglects or refuses to deliver up" the words "or does not return to Post Office" shall be substituted. Amendment
of section
68.

10 3. In section 69 of the principal Act for the words "wilfully and maliciously" the word "knowingly" shall be substituted. Amendment
of section
69.

STATEMENT OF OBJECTS AND REASONS

Under the present Act no effective and quick action can be taken against a person who knowingly receives or opens any letter or postal article which ought to have been delivered to any other person.

The Bill seeks to make the provisions of the present Act more effective so that quick and immediate action may be taken against offenders under this Act.

SATIS CHANDRA SAMANTA
DIWAN CHAND SHARMA

BILL No. 16 OF 1962

A Bill to amend the Public Employment (Requirement as to Residence) Act, 1957.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Public Employment (Requirement as to Residence) Amendment Act, 1962. Short title.

5 2. In section 5 of the Public Employment (Requirement as to Residence) Act, 1957 for the words “five years”, the words “ten years” shall be substituted, Amendment of section 5.
44 of 1957.

STATEMENT OF OBJECTS AND REASONS

In the Union Territories of the Himachal Pradesh, Tripura and Manipur as well as Telangana area of Andhra Pradesh, appointments to non-gazetted posts and Tehsildars are made from amongst the local men as a sort of legal protection, according to the Act. But the Act provides this protection upto 1962 only i.e. for 5 years.

The purpose of the Bill is to extend the period of 5 years of the operation of the Act to 10 years.

J. B. S. BIST
DIWAN CHAND SHARMA

BILL No. 23 OF 1962

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1962.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint in this behalf.

5 of 1908

2. Section 87B of the Code of Civil Procedure, 1908, shall be
10 omitted.

Omission of
section 87 B.

STATEMENT OF OBJECTS AND REASONS

Before the attainment of Independence there were in India a large number of States. The rulers of these States were given immunity from civil proceedings in Indian Courts and they were treated on the same basis as aliens or foreign rulers.

The Code of Civil Procedure as it stood before independence contained provisions for this purpose in Sections 83 to 87, under the heading "Suits by Aliens and by or against Foreign Rulers and Rulers of Indian States".

Subsequently the Code of Civil Procedure (Amendment) Act (II of 1951) was passed and the former Sections 83 to 87 were substituted by Section 12 of that Act as the present Sections 83 to 87B. By this amendment Aliens, Foreign Rulers, Ambassadors and Envoys were put in one category and provisions in respect of them were embodied in the new Sections 83 to 87A and these Sections were placed under the heading "Suits by Aliens and by or against Foreign Rulers, Ambassadors and Envoys".

Rulers of former Indian States were put under a different category and provisions in respect of them were made in the new Section 87B. By this Section 87B the provisions of the new Section 85 and sub-sections (1) and (3) of Section 86 were made applicable to the former rulers of Indian States as if they were Rulers of Foreign States.

All these rulers of former Indian States enjoy large private properties and some of them carry on business. They are in full enjoyment of the rights and privileges of a citizen and they must be subjected to the liabilities and duties of a citizen. Equality before law being one of the fundamental principles of our Constitution this special immunity from the processes of the civil law of the land is not warranted. This Bill is intended to remove this anomaly by deleting Section 87B and placing the rulers of former Indian States on a par with the rest of the citizens of India before the civil law of the land.

M. L. DWIVEDI.

NEW DELHI;
The 4th April, 1962.

BILL No. 33 OF 1962

A Bill to provide for the prevention of hoarding of and profiteering in essential commodities in daily use.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1962.

Short title,
extent, com-
mencement
and applica-
tion.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

10 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “dealer” means any person carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;

15 (b) “hoarding” means accumulating goods or stocks meant for sale with a view to cornering them, so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(c) “importer” means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) "producer" means a person engaged in the production, manufacture or processing of any scheduled article;

(e) "profiteering", with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3; 5

(f) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(g) "scheduled article" means an article specified in the First Schedule; and

(h) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

Fixation of maximum and minimum prices or rates for scheduled articles.

3. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser. 15

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers. 20

Offence of profiteering and hoarding.

4. (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as to the court may seem fit shall be forfeited to the Government. 25

(2) Any person found deliberately hoarding any article or commodity required for the daily life of the people, shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both. 30

Offence of refusal to sell and purchasing at price less than the minimum.

5. (1) Any dealer who, without reasonable excuse,—

(a) refuses to sell any scheduled article, or

(b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3, 35

shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Explanation.—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed therefor under section 3 shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

6. (1) Every dealer shall, on requisition by an Officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

Dealer to submit returns, maintain accounts and furnish information, etc.

(2) Every dealer, unless exempted by an order made in this behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of these scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and, if necessary, inspect, seize or retain all

Power to search and seize.

or any of them for so long as they may be required for any investigation into any offence under this Act.

Cognizance
of offence
and arrest
without
warrant.

8. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to
add to the
First
Schedule.

10. The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of
orders in-
consistent
with the
Essential
Commodi-
ties Act,
1955, or
orders
thereunder.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

10 of 1955.

FIRST SCHEDULE

[See section 2(g) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene.

SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from _____ to _____
 Name of dealer _____, whether producer, importer, wholesaler
 or retailer.

Address of place of business _____.

Description of scheduled article	Stocks held at the be- ginning of the period	Stocks subsequen- tly acquired with date and price of acquisition and names and addr- esses of persons from whom acquired	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of the period (except in the case of retailers)
1	2	3	4	5

 THIRD SCHEDULE

[See section 6(2) (a)]

FORM OF ACCOUNT OF STOCKS

Name of dealer ———, whether producer, importer, wholesaler or retailer.

Address of place of business ———.

Description of scheduled article	Stocks held when Act comes into force	Stocks subsequent- ly acquired with date and price of acquisition and names and addresses of persons from whom acquired	Stocks sold together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of each day (except in the case of retailers)
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3

4

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STATEMENT OF OBJECTS AND REASONS

Cases of hoarding of and profiteering in food grains, medical supplies, cloth and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment under a specified Act for these offences, these cases have gone on increasing at the hands of anti-social elements. It is felt that a severely deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

M. L. DWIVEDI.

NEW DELHI;

The 4th April, 1962.

BILL No. 28 OF 1962

A Bill further to amend the Coir Industry Act, 1953.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Coir Industry (Amendment) Act, 1962.

Amendment of Section 10. 2. In sub-section (2) of section 10 of the Coir Industry Act, 1953 5 45 of 1953. (hereinafter referred to as the principal Act),—

(i) For clauses (a) and (b) the following clauses shall be substituted, namely:—

“(a) promoting export of coir, coir yarn and coir products, increasing consumption in India of coir, coir yarn 10 and coir products and carrying on propaganda for that purpose”; and

“(b) regulating under the supervision of the Central Government:—

(i) production, stocking and sale of husks by re- 15 gistering and licensing retters and retting places;

(ii) production of coir yarn and coir products by registering coir spindles and looms and other equipment for manufacturing coir products as also coir industrial establishments, and manufacturers of coir products; 20

(iii) registering coir exporters of coir, coir yarn and coir products and licensing exports of coir, coir yarn and coir products;

5 (iv) export of coir, coir yarn and coir products by taking deposits and in any other appropriate manner for preventing unfair competition amongst exporters and shippers; and

(v) taking such other steps as may be prescribed".

10 (ii) For clause (h) the following shall be substituted, namely:—

"(h) ensuring remunerative returns to producers of husks, coir fibre and coir yarn and manufacturers of coir products and to workers engaged in the retting of husks, production of coir, coir yarn and coir products";

15 (iii) For clause (i) the following clause shall be substituted, namely:—

20 "(i) registering and licensing of retters and retting places and warehouses and otherwise regulating the stocking and sale of husk both raw and retted within the country and stocking and sale of coir, coir yarn and coir products both for the internal market and for exports";

(iv) After clause (i) the following clause shall be inserted:

25 "(ii) securing better working conditions and provision and improvement of amenities for workers engaged in the coir industry".

3. After sub-section (2) of section 20 of the principal Act, the following sub-sections shall be added, namely:—

Amendment
of Section
20.

30 "(3) Any person who being required by or under any of the provisions of this Act or the rules made thereunder to furnish any return, fails to furnish return, or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true, shall be punishable with fine which may extend to five hundred rupees.

35 (4) Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sub-section (i) of section 20 shall be punishable with fine which

may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

5

(5) No court other than the Court of a Magistrate of the First Class shall take cognizance of and try any offence punishable under this Act or any rule made thereunder".

Amendment
of Section
21.

4. In sub-section (1) of section 21 of the principal Act for the words and figures "under Section 12" the words "Under this Act or any rule made thereunder" shall be substituted.

Amendment
of Section
26.

5. In sub-section (2) of section of the principal Act,—

(i) for clause (k) the following clause shall be substituted, namely:—

"(k) the registration and licensing of retters and retting places and the conditions for such registration and licensing; the registration of coir spindles, looms and other equipment for the manufacture of coir products as also registration of coir industrial establishment and of manufacturers of coir products and the conditions for such registration; the registration of exporters of coir, coir yarn and coir products and the conditions for such registration; the grant or issue of licenses for export and other licenses under this Act or the rules made thereunder and the conditions for such grant or issue; fees to be levied in respect of such registration and licenses, and the suspension and cancellation of such registration and licenses"; and

(ii) after clause (m) the following new clause shall be inserted, namely:—

"(mm) securing better working conditions and improvement of amenities and incentive for workers".

STATEMENT OF OBJECTS AND REASONS

The Coir Industry Act, 1953, does not provide for measures for improving the working conditions of workers engaged in the Coir Industry. The Bill seeks to secure better working conditions and amenities for these workers.

The Bill also provides for penalty for submitting false returns and for violation of the provisions of the Act or the Rules made thereunder.

Besides providing amenities and securing better working conditions of the workers, the registration and licensing of retters, retting places, coir spindles, looms and other equipment for manufacture of coir etc. has been provided for in the Bill in order to have complete and accurate statistics of the Coir Industry.

Hence this Bill.

SATIS CHANDRA SAMANTA.

NEW DELHI;

The 4th April, 1962.

BILL No. 32 OF 1962

A Bill to provide machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry.

WHEREAS it is expedient to provide machinery for fixation of wages and improve the working conditions of the workers in the Film Industry;

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

5

CHAPTER I

PRELIMINARY

Short title
extent, com-
mencement
and applica-
tion.

1. (1) This Act may be called the Film Industry Workers (Improvement of Working Conditions) Act, 1962.

(2) It extends to the whole of India, except the State of Jammu and Kashmir. 10

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to every establishment employing one or more workers in the Film Industry. 15

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Film Industry" includes production, processing, distribution and exhibition of films;

(b) "Government" means the Central Government;

of 1947. (c) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings assigned to them in that Act.

CHAPTER II

5 WAGES, RETRENCHMENT, GRATUITY, RECOVERY, ETC.

4 of 1947. 3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modifications specified in sub-section (2) apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act. Workers.

4 of 1947. 10 (2) Section 25F of the Industrial Disputes Act, 1947, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following period of notice in relation to the retrenchment of a worker had been substituted, namely—

- 15 (a) three months in case of workers who have been in continuous service for a period of not less than two years, and
- (b) two months in case of other workers.

4. Where at any time between the 14th day of August, 1958, and the 1st day of March, 1960, any worker had been retrenched, he shall be entitled to receive from the employer, in case of retrenchment, the same benefits as are conferred on a worker retrenched under section 3. Special provisions in respect of certain cases of retrenchment.

5. (1) Where—

25 (a) any worker has been in continuous service whether before or after the commencement of this Act, for not less than two years in any branch of the film industry, and—

30 (i) his services are terminated by the employer in relation to the film industry for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or

(ii) he retires from service on reaching the age of superannuation; or

(iii) he voluntarily resigns from service;

35 (b) any worker dies while he is in service in any film industry,

the worker or his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947 be paid, on such termination, retirement, resignation or death, by the employer gratuity, which

14 of 1947.

Payment of gratuity.

shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

(2) Notwithstanding anything contained in sub-section (1), where a worker is employed in any establishment in film industry wherein more than one workers were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a worker employed in any such film industry for any period of service before such commencement shall be equivalent to—

(a) three days' average pay for every completed month of service in excess of three months, if the period of such past service does not exceed ten months;

(b) five days' average pay for every completed month of service in excess of three months, if the period of such past service exceeds one year, but does not exceed two years; and

(c) seven days' average pay for every completed month of service in excess of six months, if the period of such service exceeds two years.

Constitution
of Wage
Board.

6. (1) The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of workers in accordance with the nature and period of service put in by the worker immediately preceding the commencement of this Act.

(2) The Board shall consist of equal number of persons nominated by the Central Government to represent the employees in relation to film industry and workers, and an independent person having sufficient experience of the working of the film industry shall be appointed by the Central Government as the Chairman thereof.

Explanation.—The representative of the workers shall be appointed from amongst the Union or Association of the workers.

Fixation of
Wages.

7. (1) In fixing rates of wages in respect of workers the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the film industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

(2) The Board may fix rates of wages for time work and for piece-work.

(3) The decision of the Board fixing rates of wages shall be communicated, as soon as practicable, to the Central Government.

8. Where any money is due to a worker from an employer, or any money so becomes due from any other person who succeeds to the title of the establishment in the film industry, under any provisions of this Act, whether by way of compensation, gratuity or wages, the worker may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover that amount in the same manner as an arrear of land revenue.

CHAPTER III

HOURS OF WORK, LEAVE, OVERTIME, ETC.

9. A Workers' Register shall be maintained in the form devised by the Central Government to be notified in the Official Gazette within a period of six months of the commencement of this Act wherein a proper classification of the workers, their attendance and other such incidences pertaining to working conditions shall be recorded.
10. (1) No worker shall be required or allowed to work in any film industry for more than 168 hours during any period of four consecutive weeks, exclusive of the time for meals and leisure.
- (2) Every worker shall be allowed during a period of seven consecutive days rest for a period of not less than twenty four consecutive hours.
- Explanation.*—For the purpose of this section, week means a period of seven days beginning at midnight on Saturday.
11. (1) Where work is required to be carried on for a period exceeding eight hours, workers will be employed in shifts.
- (2) Workers will not ordinarily be employed in two consecutive shifts in a day though by previous permission obtained from the appropriate Government, they may be so employed provided that the worker is paid at the rate of three times of wage rates, to be fixed by the Wage Board constituted under section 6.
12. (1) Every worker who has put in a service of six months shall be entitled to Casual Leave and Sick Leave as follows:—

Casual Leave	..	21 days.
Sick Leave	..	21 days.

(2) Without prejudice to such holidays, Casual Leave or other kinds of leave, every worker shall be entitled to earned leave on full wages for not less than 1/11th of the period required to be spent on duty.

CHAPTER IV

5

WELFARE AND HEALTH

Canteens.

13. (1) In every place where film production work is carried on the employer shall be liable to provide for meals, refreshment, etc. at the proper time.

(2) In every film industry wherein twenty-five workers or more are employed, the employer shall provide for a canteen, which shall be subject to the same rules and regulations as are applicable to restaurants, hotels and other such recreation centres under Factories Act, 1948.

63 of 1948.

Rest Rooms.

14. There shall be provided and maintained by the employer so as to be readily accessible during all working hours, rest rooms and in particular where the worker is required to work on night shift, the employer shall provide for and maintain suitable arrangement for such workers to retire.

First-aid facilities.

15. There shall be provided and maintained by the employer so as to be readily accessible during all working hours, a first-aid Box equipped with the prescribed contents in every film industry or every such place where it undertakes film production.

CHAPTER V

INSPECTORS, PENALTY, INDEMNITY

25

Appointment of Inspectors.

16. (1) The Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purpose of this Act at such places as may be specified in the notification.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

45 of 1860.

(3) An Inspector may at any film industry or other place where film production is undertaken and which falls within the area allotted to him,—

(a) enter, with such assistance, if any, as he thinks fit, any premises;

(b) require any authority or person to produce any register, muster roll or other documents relating to the employment of workers and examine such document;

- (c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of this Act, or any other Act which is applicable to the film industry are complied with notwithstanding any other authority who
5 may be empowered with the same powers or any part thereof.

17. (1) If any employer contravenes the provisions of this Act Penalty.
or any other law for the time being in force governing the film industry or any place where film production is carried on, he shall be punishable with fine which may extend to one thousand rupees
10 notwithstanding any other punishment to which he is liable for the contravention of any other law for the time being in force.

(2) No Court shall take cognisance of an offence under this section unless the complaint thereof is made within two months of the date on which the offence is alleged to have been committed.

- 15 18. No suit, prosecution or other legal proceeding shall lie against Immunity.
the Chairman, any other member of the Wage Board or Inspector for anything which is in good faith done or intended to be done in the course of his duties.

STATEMENT OF OBJECTS AND REASONS

Most of the workers in the film industry are employed through middlemen. The method of recruitment of workers is beset with several evils. Favouritism and nepotism are rampant and the workers are exploited in a variety of ways.

As rates of wages paid to workers are not laid down, there is keen competition. The workers are exploited by suppliers. There is insecurity of work. Under-employment, unemployment and low wages are perpetual.

The working hours for workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as leave, shift system, rest rooms, canteens and first-aid are not provided.

The Bill seeks to provide a machinery for fixation of wages and for improvement of working conditions of workers in the film industry.

NEW DELHI;
The 5th April, 1962.

J. B. S. BIST.

FINANCIAL MEMORANDUM

The Bill envisages provision of a machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry. Clause 6 of the Bill provides for the constitution of a Wage Board for fixation of Wages and Clause 16 provides for appointment of Inspectors for the administration of the Act. These two clauses will, therefore, involve some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a non-recurring grant of rupees one lac and a recurring grant of rupees twenty-five thousand would appear to be necessary.

BILL No. 18 OF 1962

A Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Hindu Succession (Amendment) Act, 1962.

(2) It shall come into force at once.

5

Insertion of new section 23A. 2. After section 23 of the Hindu Succession Act, 1956, the following new section shall be inserted, namely:— 30 of 1956.

Special provision regarding transfers.

“23A. No transfer of property by female owner shall be valid within two years of the opening of succession in her favour unless it be for consideration, the onus of proof of which shall be on the transferee.” 10

STATEMENT OF OBJECTS AND REASONS

It has been observed that male co-successor or male relations of female owner take advantage of the emotional nature of the female owner after the death of her father or near relation and get transfers by gift or otherwise without consideration. The female owner, who has come in succession, has no appreciation of the act.

It is necessary to protect her interests by legislation. This can be done by giving her an opportunity of appreciation of her ownership rights and time to think of such rights before she makes a free transfer.

Hence this Bill.

NEW DELHI;
The 5th April, 1962.

J. B. S. BIST

M. N. KAUL,
Secretary.

